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PATENT COOPERATION TREATY



PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 02P01457WO	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP2003/007345	International filing date (day/month/year) 08 July 2003 (08.07.2003)	Priority date (day/month/year) 06 November 2002 (06.11.2002)
International Patent Classification (IPC) or national classification and IPC D06F 37/26		
Applicant BSH BOSCH UND SIEMENS HAUSGERÄTE GMBH		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of \_\_\_\_\_ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☒ Certain observations on the international application

Date of submission of the demand 07 June 2004 (07.06.2004)	Date of completion of this report 26 November 2004 (26.11.2004)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP2003/007345

## I. Basis of the report

### 1. With regard to the elements of the international application:\*

☒ the international application as originally filed

☒ the description:

pages \_\_\_\_\_ 1-7 \_\_\_\_\_, as originally filed

pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

☒ the claims:

pages \_\_\_\_\_ 1-9 \_\_\_\_\_, as originally filed

pages \_\_\_\_\_, as amended (together with any statement under Article 19

pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

☒ the drawings:

pages \_\_\_\_\_ 1/4-4/4 \_\_\_\_\_, as originally filed

pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

☐ the sequence listing part of the description:

pages \_\_\_\_\_, as originally filed

pages \_\_\_\_\_, filed with the demand

pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_

### 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language \_\_\_\_\_ which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).

☐ the language of publication of the international application (under Rule 48.3(b)).

☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

### 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

### 4. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages \_\_\_\_\_

☐ the claims, Nos. \_\_\_\_\_

☐ the drawings, sheets/fig \_\_\_\_\_

### 5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

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**VII. Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

**See supplemental sheet.**

**INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

International Application No.

**PCT/EP2003/007345**

**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**See supplemental sheet.**

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International Application No.

PCT/EP 03/07345

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims		YES
	Claims	1-8	NO
Inventive step (IS)	Claims		YES
	Claims	9	NO
Industrial applicability (IA)	Claims	1-9	YES
	Claims		NO

## 2. Citations and explanations

## 1. Reference is made to the following documents:

D1: EP 0 219 115 A

D2: US 5 711 170 A

2. The application does not meet the requirements of PCT Article 6 since independent claim 1 and dependent claims 2 to 4 and 9 are unclear.

- a. The preamble of independent claim 1 concerns a device, i.e. a "plastics container for domestic washing machines".
- However, the characterizing part of the claim only contains features of **one particular method of producing** a "plastics container for domestic washing machines" selected from several possible methods. Therefore claim 1 is inconsistent in terms of its category; hence it does not meet the requirements of PCT Article 6 (Guidelines, paragraphs III-4.1 and III-4.4).

- b. Contrary to PCT Article 6, independent claim 1 is not supported by the description since its scope goes beyond that justified by the description and

the drawings, as essential technical features that are necessary for defining the invention are not clearly indicated.

The problem addressed by the present application is *inter alia* that of attaining "an improved connection between the bearing dish and plastics part of the container" during injection moulding (see page 3, final paragraph).

However, it is not discernible from claim 1 either that the "plastics body" is produced by injection moulding nor that the "plastics body" is the connection between the "bearing dish" and the "plastics container".

Therefore, in its current wording, the subject matter of claim 1 also covers a small extruded section that is mounted at any point of the bearing dish but does not have any point of contact with the plastics container.

Consequently claim 1 does not meet the requirements of PCT Article 6 in conjunction with PCT Rule 6.

- c. In claim 1 it is unclear whether the "rotary drum" and/or the "bearing dish (1)" is/are part of the claimed "plastics container for domestic washing machines" or whether the claim is attempting to define its subject matter by reference to other components which are not part of the claimed subject matter. Therefore the reader is uncertain as to the scope of protection claimed, contrary to the requirements of PCT Article 6.

- d. Some of the terms used in claims 2, 3 and 4 are vague and unclear, leaving the reader uncertain as to the meaning of the technical features in question.
- i) For example, it is unclear in claims 2 and 3 in what respect the methods and materials "differ". A difference between two methods can be established only by process parameters, such as pressure, temperature and time, for example, and a difference between two materials can be established only by the batch number. On the other hand, the description gives the impression that the "plastics body" is deliberately applied to the bearing dish by an additional injection moulding process, and that the material of the "plastics body" differs from the material of the "plastics container" by higher rigidity values.
- ii) It is unclear in claim 4, for example, which features, apart from rigidity, are used to define the "quality" of the material used; without such a definition, quality is a subjective term that can vary from case to case according to different interpretations and aspects.

Therefore the definition of the subject matter of these claims is unclear (PCT Article 6).

- e. Claim 9 leaves the reader unclear (EPC Article 84) as to the claimed design of the functional feature "a variable configuration" of the plastics body. In particular, it is also unclear how the configuration of a given plastics body can be variable, and what

"different forms of connection" a given component requires which necessitate varying the plastics body.

3. Disregarding the above-mentioned lack of clarity, the subject matter of independent claim 1 and of dependent claims 2 to 8 also lacks novelty within the meaning of PCT Article 33(2).

- a. D1 discloses all the features of claim 1, in particular (see D1, page 2, lines 11 to 36; page 3, line 18, to page 3, line 23; and figures 1 to 4) a:

- plastics container (5) for domestic washing-machines which internally accommodates a rotary drum (10) of which the shaft (11) is mounted on bearings (12, 13) which are arranged in a bearing dish (12, 13) made of metal material,
- at least one plastics body (14) being accommodated on at least one section of the surface of the bearing dish (12, 13) before the remainder of the plastics container (5) is injection moulded onto the structural unit (14, 19) formed by the bearing dish (12, 13) and the plastics body (14).

The metal outer shells of the bearings (12, 13) are considered parts of the "bearing dish".

Therefore the subject matter of claim 1 is not novel (PCT Article 33(2)).

- b. Furthermore, D1 discloses all the features of dependent claims 2 to 5, 7 and 8 (see D1, page 3, line 18, to page 3, line 23, figures 1 to 4), in particular a plastics container (5) for domestic



washing machines, wherein:

- i) the injection moulding method and material of the plastics body (14) differ from the injection moulding method and material of the remainder of the plastics container (5), as per claims 2 to 4;
- ii) the plastics body (14) completely surrounds and seals the bearing dish (12, 13), as per claims 5, 7 and 8.

Therefore the subject matter of these claims is not novel (PCT Article 33(2)).

c. Furthermore, D2 discloses all the features of claim 1, in particular (see D2, column 2, line 39, to column 3, line 46; and figures 1 to 4) a:

- plastics container (26, 62) for domestic washing machines which internally accommodates a rotary drum (64) of which the shaft (78) is mounted on bearings (88) which are arranged in a bearing dish (88) made of metal material;
- at least one plastics body (80) being accommodated on at least one section of the surface of the bearing dish (88) before the remainder of the plastics container (26, 62) is injection moulded onto the structural unit formed by the bearing dish (88) and the plastics body (14).

Here too, the structural group (88) is considered a bearing dish with bearings. Therefore the subject matter of claim 1 is not novel in relation to D2 (PCT Article 33(2)).

d. Furthermore, D2 discloses all the features of dependent claims 2 to 8 (see D2, page 3, line 18, to page 3, line 23; and figures 1 to 4), in particular

a plastics container (26, 62) for domestic washing machines, wherein:

- i) the injection moulding method and material of the plastics body (80) differ from the injection moulding method and material of the remainder of the plastics container (26, 62) (see point 2.d.i. of this report), as per claims 2 to 4;
- ii) the plastics body (80) completely surrounds and seals the bearing dish (88), as per claims 5, 7 and 8;
- iii) the plastics body is reinforced by ribs (see D2, column 3, lines 42 to 45), as per claim 6.

Therefore the subject matter of these claims is not novel (PCT Article 33(2)).

- 4. Disregarding the above-mentioned lack of clarity, the subject matter of claim 9 further does not involve an inventive step within the meaning of PCT Article 33(3).

- a. Proceeding from a plastics container for domestic washing machines as per D1 or D2 and faced with the problem of adapting the plastics body to the particular bearing dish of the rotary drum, a person skilled in the art would modify the design of the plastics body, which is a conventional structural measure for solving this problem. Therefore claim 9 does not involve an inventive step within the meaning of PCT Article 33(3).

- 5. The following objection is also raised:

- a. Contrary to the requirements of PCT Rule 5.1(a)(ii), the description did not cite D1 and D2 or the relevant prior art contained therein.